UNITED STATES PATENT AND TRADEMARK OFFICE

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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _08 November 2011_.

2a)☒ This action is **FINAL.** 2b)☐ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) _1-25,27-34,36-38 and 63-74_ is/are pending in the application.

　　5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) _1-25,27-34,36-38 and 63-74_ is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

This Office Action is in response to applicant's amendment filed 11/08/2011. Claims 1-25, 27-34, 36-38, and 63-74 are currently pending in this application.

Claim Objections

Claims 30-32 are objected to because of the following informalities: As per claim 30, "wherein said one arbitration command a Query command" should be changed to -- wherein said one arbitration command **is** a Query command--. Claims 31-32 are objected to because they depend on claim 30.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17 and 31-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 2 recite the limitation "the one or more groups of transponders" in Line 3. There is insufficient antecedent basis for this limitation in the claim. Claims 3-17 are further rejected under 35 U.S.C. 112, second paragraph, as being dependent on claim 1 or claim 2.

Claim 31 recites the limitation "the transducer" in Line 1. There is insufficient

antecedent basis for this limitation in the claim. Claim 32 is further rejected under 35

U.S.C. 112, second paragraph, as being dependent on claim 31.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1.   Claims 1-4, 9-20, 23-25, 27-34, 36-38, 63, and 66-74 are rejected under 35

U.S.C. 102(b) as being anticipated by Chan et al. (EP 0702323 A2).

Claim 1, Chan teaches:

A method of selecting or de-selecting one or more transponders, using a

selection process comprising one or more commands from an interrogator (Chan,

Col. 4, Lines 14-25)**, the one or more groups of transponders being within a field of**

interrogation (Chan, Col. 4, Lines 8-13)**, including the step of**

transmitting from the interrogator a select command that includes

selection or de-selection criteria (Chan, Col. 3, Lines 53-57 and Col. 4, Lines 14-19,

A group select command is a select command.)**, wherein transponders within the**

one or more groups participate in an arbitration sequence based on the selection

or de-selection criteria (Chan, Col. 4, Lines 32-51, One example is when a group of

socks or shirts is to be interrogated, so the tags compare the select command fields

with data stored in the tag memory to determine whether or not to move to a

SELECTED state. Moving or not moving to the SELECTED state is part of an

arbitration sequence.**).**

Claim 2, Chan teaches:

A method of selecting or de-selecting one or more transponders, using a

selection process comprising one or more commands from an interrogator (Chan,

Col. 4, Lines 14-25)**, the one or more groups of transponders being within a field of**

interrogation (Chan, Col. 4, Lines 8-13)**, including the step of transmitting from the**

interrogator a select command (Chan, Col. 3, Lines 53-57 and Col. 4, Lines 14-19, A

group select command is a select command.**) that includes data for comparison with**

data stored in the memories of the transponders within the one or more groups

(Chan, Col. 4, Lines 32-51, One example is when a group of socks or shirts is to be

interrogated, so the tags compare the select command fields with data stored in the tag

memory to determine whether or not to move to a SELECTED state.**) whereby the**

transponder or transponders within the one or more groups of transponders set

or reset a select flag dependent on whether they are to be selected or de-selected

and participate in an arbitration sequence based on whether the select flag is set

or reset (Chan, Col. 4, Lines 26-31, The tag state is set based upon a comparison

between data in the command sent by the base station and a mask. The tag state is a

flag (see Chan, Col. 6, Lines 39-45 and Col. 7, Lines 8-11). Setting the tag state is

participating in an arbitration sequence.**).**

Claim 3, Chan further teaches:

If the data in the transponder memory corresponds to that sent by the

select command, the transponder is either selected or de-selected dependent on

the setting of the select flag in the transponder (Chan, Col. 4, Lines 26-31, The tag

state is set based upon a comparison between data in the command sent by the base

station and a mask. The tag state is a flag (see Chan, Col. 6, Lines 39-45 and Col. 7,

Lines 8-11) which can be changed between a READY state and a SELECTION state

(see Chan, Col. 7, Lines 37-40 and Col. 8, Lines 3-6).**).**

Claim 4, Chan further teaches:

If the data in the transponder memory does not correspond to that sent by

the select command, the transponder is either selected or de-selected dependent

on the setting of the select flag in the transponder (Chan, Col. 4, Lines 26-31, The

tag state is set based upon a comparison between data in the command sent by the

base station and a mask. The tag state is a flag (see Chan, Col. 6, Lines 39-45 and

Col. 7, Lines 8-11) which can be changed between a READY state and a SELECTION

state (see Chan, Col. 7, Lines 37-40 and Col. 8, Lines 3-6).**).**

Claim 9, Chan further teaches:

The select flag serves as an exclusion mechanism, whereby one or more groups of transponders may be excluded from the arbitration sequence using this same select flag as part of a determination mechanism (Chan, Col. 4, Lines 20-37, The tags that change states from a READY state to a SELECTED state are identified as present, and thus those that are not are excluded from the identification process, i.e. the arbitration sequence. Since the SELECTED state is based on the data transmitted in the command message matching data stored in the tag, the state of the tag is a part of the determination mechanism.**).**

Claim 10, Chan further teaches:

The selection or de-selection of one or more groups of transponders, uses a number of commands with parameters to address one or more groups of transponders using any content of the transponder memory as a target selection field (Chan, Col. 4, Lines 32-59, One example of content of the transponder memory is whether the tag stores data regarding socks or shirts. In the example, the number of commands is two, one for shirts and one for socks.**).**

Claim 11, Chan further teaches:

The selection process is undertaken either as part of an arbitration process or as an independent process (Chan, Col. 4, Lines 14-19, The tags are selected based on an algorithm, which may also be interpreted generally as an arbitration process, since the system reads a select group of tags within a large group of tags.**).**

Claim 12, Chan further teaches:

The selection process allows one or more groups of transponders to be selected, excluded or a combination of selection and exclusion (Chan, Col. 7, Lines 8-14**) using one command with a settable/resettable exclude flag** (Chan, Col. 7, Lines 24-40, A single command is transmitted to the tags, and a determination from the command is made as to whether to change the tag state from READY to SELECTED.**).**

Claim 13, Chan further teaches:

Said one command is a select command the parameters of which allow one or more transponders within the one or more groups of transponders to be placed in a selected condition or removed from the selected condition according to a selection mask which is compared with a portion or all of the memory contents stored on the one or more transponders (Chan, Col. 6, Lines 27-49, The tag status is updated based on the results of the comparison (see also Chan, Col. 8, Lines 47-52).**).**

Claim 14, Chan further teaches:

Said one command is a connect command used to address one or more transponders within the one or more groups of transponders in order to conduct

a dialogue (Chan, Col. 8, Lines 33-39, The field with the tag memory address is one of

the multiple fields used to establish a dialogue between the tag and the base station.**).**

Claim 15, Chan further teaches:

Said one command is a Query command used to allow the interrogator to

query the one or more groups of transponders for the presence of any

transponders which have met the selection criteria (Chan, Col. 8, Lines 17-24**).**

Claim 16, Chan further teaches:

Said one command is an acknowledge command used to acknowledge the

successful completion of an arbitration sequence of completion of a dialogue

with a transponder (Chan, Col. 9, Lines 38-48, The command message includes data,

for example pale green pants, which is used to acknowledge successful completion of

an arbitration sequence, because the returned data from the tag indicates that the

arbitration sequence was successful.**).**

Claim 17, Chan further teaches:

Said one command is a singulate command is used during an arbitration

sequence to place an individual transponder into a state whereby a dialogue may

be conducted with it (Chan, Col. 8, Lines 53-57, The command as a whole is a

singulate command because it affects the final state change of the tags.**).**

Claim 18, Chan teaches:

A transponder comprising logic circuitry (Chan, Col. 4, Lines 1-5)

responsive to a select command from an interrogator (Chan, Col. 4, Lines 1-13)**,**

whereby if the transponder meets selection or de-selection criteria in the select

command it is selected and wherein the transponder participates in an arbitration

sequence based on whether it is selected or deselected (Chan, Col. 4, Lines 26-31,

The tag state is set based upon a comparison between data in the command sent by

the base station and a mask. The tag state is a flag (see Chan, Col. 6, Lines 39-45 and

Col. 7, Lines 8-11). Setting the tag state is participating in an arbitration sequence.)**.**

Claim 19, Chan further teaches:

The transponder has a memory (Chan, Col. 4, Lines 1-5 and Col. 6, Lines 27-

35)**, a select flag** (Chan, Col. 7, Lines 8-14) **and a comparator for comparing data in**

the select command with data in the memory (Chan, Col. 6, Lines 39-45)**, whereby**

the transponder sets or resets the select flag dependent on whether it is to be

selected or de-selected (Chan, Col. 7, Lines 37-40 and Col. 8, Lines 3-6)**.**

Claim 20, Chan further teaches:

If the data in the transponder memory does not correspond to that sent by

the select command, the transponder is either selected or de-selected dependent

on the setting of the select flag in the transponder (Chan, Col. 4, Lines 26-31, The

tag state is set based upon a comparison between data in the command sent by the

base station and a mask. The tag state is a flag (see Chan, Col. 6, Lines 39-45 and

Col. 7, Lines 8-11) which can be changed between a READY state and a SELECTION

state (see Chan, Col. 7, Lines 37-40 and Col. 8, Lines 3-6).**); or**

if the data in the transponder memory does correspond to that sent by the

select command, the transponder is still selected or deselected dependent on the

setting of the select flag (Chan, Col. 4, Lines 26-31, The tag state is set based upon a

comparison between data in the command sent by the base station and a mask. The

tag state is a flag (see Chan, Col. 6, Lines 39-45 and Col. 7, Lines 8-11) which can be

changed between a READY state and a SELECTION state (see Chan, Col. 7, Lines 37-

40 and Col. 8, Lines 3-6).**).**

Claim 23, Chan further teaches:

If the select flag is set, the transponder will reply to a Query command or if

not set, will not reply to a Query command (Chan, Col. 9, Lines 43-48, Tags placed

in the SELECTED state will respond with their data, otherwise tags in the READY state

will not (see Chan, Col. 9, Lines 33-37).**).**

Claim 24, Chan further teaches:

If the select flag is not set, the transponder is adapted to participate in an

arbitration sequence or reply to a Query command (Chan, Col. 9, Lines 33-45,

Those tags that are in the SELECTED or READY state may continue to go through the

arbitration sequence, such as during an OR function (see Chan, Col. 9, Lines 21-26), as

long as the command messages are still being sent.**)**.

Claim 25, Chan further teaches:

The select flag serves as an exclusion mechanism, whereby groups or sub-

groups of transponders may be excluded from participation in the arbitration

sequence using this same select flag as part of the determination mechanism

(Chan, Col. 4, Lines 20-37, The tags that change states from a READY state to a

SELECTED state are identified as present, and thus those that are not are excluded

from the identification process, i.e. the arbitration sequence. Since the SELECTED

state is based on the data transmitted in the command message matching data stored

in the tag, the state of the tag is a part of the determination mechanism.**)**.

Claim 27, Chan further teaches:

A settable/resettable exclude flag is provided whereby the selection

process can select individual or groups of transponders to be selected, excluded

or a combination of selection and exclusion using just one command (Chan, Col.

7, Lines 8-14 and Lines 24-40, A single command is transmitted to the tags, and a

determination from the command is made as to whether to change the tag state from

READY to SELECTED.**)**.

Claim 28, Chan further teaches:

Said one command is the select command the parameters of which allows

the transponder to be placed in a selected condition or removed from the

selected condition according to a selection mask which is compared with a

portion or all of the memory contents stored on the transponder (Chan, Col. 6,

Lines 27-49, The tag status is updated based on the results of the comparison (see also

Chan, Col. 8, Lines 47-52).).

Claim 29, Chan further teaches:

The transponder is responsive to one command wherein said one

command is a connect command which is used to address one or more

transponders within the one or more groups of transponders (Chan, Col. 8, Lines

33-39, The field with the tag memory address is one of the multiple fields used to

establish a dialogue between the tags and the base station (see Chan, Col. 8, Lines 13-

16 and Lines 55-57).).

Claim 30, Chan further teaches:

The transponder is responsive to a one arbitration command wherein said

one arbitration command is a Query command which is used to allow the

interrogator to query the one or more groups of transponders for the presence of

any transponders which have met the selection criteria (Chan, Col. 8, Lines 17-24,

The field with the type of command is used to establish a dialogue between the tags

and the base station (see Chan, Col. 8, Lines 13-16 and Lines 55-57).).

Claim 31, Chan further teaches:

The transponder is responsive to an acknowledge command which is used to acknowledge the successful completion of an arbitration sequence of completion of a dialogue with a transponder (Chan, Col. 9, Lines 38-48, The command message includes data, for example pale green pants, which is used to acknowledge successful completion of an arbitration sequence, because the returned data from the tag indicates that the arbitration sequence was successful.**).**

Claim 32, Chan further teaches:

The transponder is responsive to one command wherein said one command is a singulate command which is used during an arbitration sequence to place an individual transponder into a state whereby a dialogue may be conducted with it (Chan, Col. 8, Lines 53-57, The command as a whole is a singulate command because it affects the final state change of the tags.**).**

Claim 33, Chan teaches:

An identification system comprising an interrogator and a plurality of transponders (Chan, Col. 4, Lines 14-25)**, the interrogator including a transmitter for transmitting** (Chan, Col. 3, Lines 52-58) **selection or de-selection criteria in one or more commands to select or de-select one or more groups of transponders** (Chan, Col. 3, Lines 53-57)**, each transponder within the one or more groups of**

transponders including a receiver for receiving the one or more commands
(Chan, Col. 4, Lines 1-5) **and logic circuitry responsive to the commands** (Chan,
Col. 4, Lines 1-5)**, whereby if the transponder meets selection or de-selection**
criteria in the commands (Chan, Col. 4, Lines 32-51, One example is when a group of
socks or shirts is to be interrogated, so the tags compare the select command fields
with data stored in the tag memory to determine whether or not to move to a
SELECTED state.**) it is selected or deselected wherein the transponder**
participates in an arbitration sequence based on the selection or deselection
criteria (Chan, Col. 4, Lines 32-51, One example is when a group of socks or shirts is
to be interrogated, so the tags compare the select command fields with data stored in
the tag memory to determine whether or not to move to a SELECTED state. Moving or
not moving to the SELECTED state is part of an arbitration sequence.)**.**

Claim 34, Chan further teaches:

The selection or de-selection criteria is in the form of data in one or more
select commands (Chan, Col. 8, Lines 17-24)**, the data to be compared with data in**
a memory or memories of the one or more groups of transponders within a field
of interrogation (Chan, Col. 7, Lines 47-52)**, whereby each transponder within the**
one or more groups of transponders set or reset a select flag dependent on
whether they are to be selected or de-selected (Chan, Col. 7, Lines 37-40 and Col.
8, Lines 3-6)**.**

Claim 36, Chan teaches:

An integrated circuit for use in a transponder including a receiver for receiving a select command from an interrogator (Chan, Col. 4, Lines 1-5)**, the integrated circuit further comprising logic circuitry responsive to a select command from the interrogator** (Chan, Col. 4, Lines 1-5) **whereby if the integrated circuit meets selection or de-selection criteria in the select command it is selected or deselected and the integrated circuit participates in an arbitration sequence based on the selection or deselection criteria ().**

Claim 37, Chan further teaches:

The integrated circuit comprising a memory (Chan, Col. 4, Lines 1-5 and Col. 6, Lines 27-35)**, a select flag** (Chan, Col. 7, Lines 8-14) **and a comparator for comparing data in the select command with data in the memory** (Chan, Col. 6, Lines 39-45)**, whereby the circuitry sets or resets the select flag dependent on whether it is to be selected or de-selected** (Chan, Col. 7, Lines 37-40 and Col. 8, Lines 3-6)**.**

Claim 38, Chan further teaches:

If the data in the memory does not correspond to that sent by the select command, the integrated circuit is either selected or de-selected dependent on the setting of the select flag in the integrated circuit (Chan, Col. 4, Lines 26-31, The tag state is set based upon a comparison between data in the command sent by the

base station and a mask. The tag state is a flag (see Chan, Col. 6, Lines 39-45 and

Col. 7, Lines 8-11) which can be changed between a READY state and a SELECTION

state (see Chan, Col. 7, Lines 37-40 and Col. 8, Lines 3-6).**); or**

if the data in the memory does correspond to that sent by the select

command, the integrated circuit is still selected or deselected dependent on the

setting of the select flag (Chan, Col. 4, Lines 26-31, The tag state is set based upon a

comparison between data in the command sent by the base station and a mask. The

tag state is a flag (see Chan, Col. 6, Lines 39-45 and Col. 7, Lines 8-11) which can be

changed between a READY state and a SELECTION state (see Chan, Col. 7, Lines 37-

40 and Col. 8, Lines 3-6).**).**

Claim 63, Chan further teaches:

A plurality of transponders (Chan, Col. 2, Lines 35-37**), wherein the selection**

or de-selection of an individual transponder, or group of transponders, uses a

selection process comprising a number of commands with parameters to address

a population of transponders using any content of the transponder memory as a

target selection field (Chan, Col. 4, Lines 32-59, One example of content of the

transponder memory is whether the tag stores data regarding socks or shirts. In the

example, the number of commands is two, one for shirts and one for socks.**).**

Claim 66, Chan further teaches:

If the select flag is set, the transponder will reply to the Query command, or if the select flag is not set, will not reply to the Query command (Chan, Col. 9, Lines 43-48, Tags placed in the SELECTED state will respond with their data, otherwise tags in the READY state will not (see Chan, Col. 9, Lines 33-37).**).**

Claim 67, Chan further teaches:

If the select flag is not set, the transponder is adapted to participate in an arbitration sequence or reply to the Query command (Chan, Col. 9, Lines 33-45, Those tags that are in the SELECTED or READY state may continue to go through the arbitration sequence, such as during an OR function (see Chan, Col. 9, Lines 21-26), as long as the command messages are still being sent.**).**

Claim 68, Chan further teaches:

The select flag serves as an exclusion mechanism, whereby one or more groups of transponders may be excluded from an the arbitration sequence using this same select flag as part of a determination mechanism (Chan, Col. 4, Lines 20-37, The tags that change states from a READY state to a SELECTED state are identified as present, and thus those that are not are excluded from the identification process, i.e. the arbitration sequence. Since the SELECTED state is based on the data transmitted in the command message matching data stored in the tag, the state of the tag is a part of the determination mechanism.**).**

Claim 69, Chan further teaches:

A settable/resettable exclude flag is provided whereby the selection process can select individual or groups of transponders to be selected, excluded or a combination of selection and exclusion using just one command (Chan, Col. 7, Lines 8-14 and Lines 24-40, A single command is transmitted to the tags, and a determination from the command is made as to whether to change the tag state from READY to SELECTED.**).**

Claim 70, Chan further teaches:

Said one command is the select command, the parameters of which allow the transponder to be placed in a selected condition or removed from the selected condition according to a selection mask which is compared with a portion or all of the memory contents stored on the integrated circuit (Chan, Col. 6, Lines 27-49, The tag status is updated based on the results of the comparison (see also Chan, Col. 8, Lines 47-52).**).**

Claim 71, Chan further teaches:

The integrated circuit is responsive to one command, the one command being a connect command which is used by the interrogator to address one or more groups of transponders in order to conduct a dialogue (Chan, Col. 8, Lines 33-39, The field with the tag memory address is one of the multiple fields used to

establish a dialogue between the tags and the base station (see Chan, Col. 8, Lines 13-16 and Lines 55-57).).

Claim 72, Chan further teaches:

The integrated circuit is responsive to one command, the one command being a Query command which is used to allow the interrogator to query the one or more groups of transponders for the presence of any transponders which have met the selection criteria (Chan, Col. 8, Lines 17-24, The field with the type of command is used to establish a dialogue between the tags and the base station (see Chan, Col. 8, Lines 13-16 and Lines 55-57).).

Claim 73, Chan further teaches:

The integrated circuit is responsive to one command, the one command being an acknowledge command which is used to acknowledge the successful completion of an arbitration sequence of completion of a dialogue with the a transponder (Chan, Col. 9, Lines 38-48, The command message includes data, for example pale green pants, which is used to acknowledge successful completion of an arbitration sequence, because the returned data from the tag indicates that the arbitration sequence was successful.).

Claim 74, Chan further teaches:

The integrated circuit is responsive to the one command, the one

command being a singulate command which is used during an arbitration

sequence to place an individual transponder into a state whereby a dialogue may

be conducted with it (Chan, Col. 8, Lines 53-57, The command as a whole is a

singulate command because it affects the final state change of the tags.)**.**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 5-8, 21-22, and 64-65 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Chan et al. (EP 0702323 A2) in view of Korger (U.S. 6,880,050).

        Claims 5, 21, and 64 Chan teaches:

The select flag is connected to one or more logic operations **which together**

define selection logic circuitry of the transponder (Chan, Col. 9, Lines 21-37, The

process performs OR and AND functions on the tag data to determine selection or non-

selection of the tags, which are logic functions.)**.**

        Chan does not teach:

Logic gates.

        Korger teaches:

Logic elements (Korger, Col. 5, Lines 44-55**).**

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the transponder in Chan by integrating the teaching of

logic elements as taught by Korger.

The motivation would be to expedite data transfer by implementing common logic

elements for processing of data (see Korger, Col. 6, Lines 1-7). Therefore, the AND

and OR functions in the tags in Chan would be performed by the combination of logic

elements as taught by Korger.

Claims 6, 22, and 65, Chan teaches:

The select flag determining whether the transponder should respond to a

Query command from the interrogator or participate in an arbitration sequence or

not (Chan, Col. 9, Lines 43-48, Tags placed in the SELECTED state will respond with

their data, otherwise tags in the READY state will not (see Chan, Col. 9, Lines 33-37).**).**

Chan does not teach:

The select flag is in the form of a bistable or flip-flop.

Korger teaches:

A flip flop that outputs a HIGH bit (Korger, Col. 5, Lines 44-55**).**

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the transponder in Chan by integrating the teaching of a

flip flop as taught by Korger.

The motivation would be to expedite data transfer by implementing common logic elements for processing of data (see Korger, Col. 6, Lines 1-7). Therefore, the HIGH bit output of the flip flop would indicate one of the possible changes in the state of the tag.

Claim 7, Chan in view of Korger further teaches:

If the select flag is set, the transponder will reply to the Query command, or if not set, will not reply to the Query command (Chan, Col. 9, Lines 43-48, Tags placed in the SELECTED state will respond with their data, otherwise tags in the READY state will not (see Chan, Col. 9, Lines 33-37).**).**

Claim 8, Chan in view of Korger further teaches:

If the select flag is not set, the transponder is adapted to participate in an arbitration sequence or reply to a Query command (Chan, Col. 9, Lines 33-45, Those tags that are in the SELECTED or READY state may continue to go through the arbitration sequence, such as during an OR function (see Chan, Col. 9, Lines 21-26), as long as the command messages are still being sent.**).**

Response to Arguments

Applicant's arguments filed 11/08/2011 have been fully considered but they are not persuasive.

In response to applicant's arguments on Pages 12-13 that the Chan reference fails to teach "an arbitration sequence", the examiner respectfully disagrees. It is noted

that details of the feature upon which applicant relies (i.e., "arbitration sequence") is not

recited in the rejected claims. Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re*

Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the term

"arbitration sequence" is interpreted as meaning a series of steps to efficiently read a

group of tags. Thus, the system in Chan teaches placing tags into groups based on a

state of the tag and reading information from the selected group of tags (see Chan, Col.

2, Lines 35-58), and establishes an "arbitration sequence".

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JAMES YANG whose telephone number is (571)270-

5170. The examiner can normally be reached on M-F 8:30-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Y./

/Brian A Zimmerman/
Supervisory Patent Examiner, Art Unit 2612